

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

Civil Action No.

DIANE CARR WALKER AKA DIANE C.
HUNTER, KNOWN HEIR OF CRAIG H.
WALKER, DECEASED; JONATHAN
WALKER, KNOWN HEIR OF CRAIG H.
WALKER, DECEASED; NIKLAS
LEOPARDI, KNOWN HEIR OF CRAIG H.
WALKER, DECEASED; AND ALL
UNKNOWN HEIRS, EXECUTORS AND
ADMINISTRATORS OF CRAIG H.
WALKER, DECEASED,

Defendants.

COMPLAINT IN MORTGAGE FORECLOSURE

The United States of America, a sovereign corporation by and through its counsel, David J. Hickton, United States Attorney in and for the Western District of Pennsylvania, and Bernstein-Burkley, P.C., private counsel to the United States of America, for its Complaint alleges:

1. That this Court has jurisdiction under the provisions of 28 U.S.C. §1345.
2. That the Defendant, Diane Carr Walker aka Diane C. Hunter, is the surviving spouse and known heir of Craig H. Walker, Deceased, (hereinafter "Defendant"), who resides at 1140 Phillips Street Ext., Baden, Pennsylvania, 15005.
3. That the Defendant, Jonathan Walker, is a known heir of Craig H. Walker, Deceased, who resides at 336 Blossom Lane, Sewickley, Pennsylvania, 15143.
4. That the Defendant, Niklas Leopardi, is a known heir of Craig H. Walker, Deceased, who resides at 1140 Phillips Street Ext., Baden, Pennsylvania, 15005.

5. That all other Defendants are the unknown heirs, executors and administrators of Craig H. Walker, Deceased, whose whereabouts are unknown.

6. Craig H. Walker (hereinafter "Borrower") died on or about December 29, 2013, an intestate resident of the Commonwealth of Pennsylvania.

7. That on or about October 31, 2005, the United States of America acting through the Rural Housing Service, (hereinafter "Plaintiff"), lent to Craig H. Walker the sum of \$158,013.00 bearing interest at the rate of 5.375% per annum payable in monthly installments as evidenced by a Promissory Note dated October 31, 2005 executed by Borrower. A true and correct copy of the Note is attached hereto, marked Exhibit "A," and made a part hereof as if set forth in its entirety at this point.

8. That Borrower for the purpose of securing the Plaintiff against loss, did execute and acknowledge to the Plaintiff, on or about October 31, 2005, a Real Estate Mortgage. Said Mortgage further provided in its terms that upon default in the payment of any installment due under the Mortgage, the entire indebtedness shall, at the option of the obligee, its successors and assigns, become immediately due and payable. A true and correct copy of the Real Estate Mortgage is attached hereto, marked Exhibit "B," and made a part hereof as if set forth in its entirety at this point.

9. That the Real Estate Mortgage was duly recorded on November 2, 2005, with the Office of the Recorder of Deeds, Beaver County, Pennsylvania, at Instrument No. 3255165.

10. The real property that is subject to the Mortgage is known as 1140 Phillips Street Ext. Baden, Pennsylvania, 15005.

11. That during the course of the loan, Borrower's monthly mortgage payments were subsidized by the Plaintiff. Pursuant to 42 U.S.C. §1490(a) and the Real Estate Mortgage, any subsidy received by Defendant on loans received after October 31, 2005, is subject to recapture upon disposition

of the property. The amount of the subsidy that may be due is set forth in the due and owing paragraph of this Complaint.

12. That the Plaintiff is the owner and holder of the Promissory Note and Real Estate Mortgage.

13. To the best of Plaintiff's knowledge and belief, Craig H. Walker is the current record owner of the mortgaged premises.

14. Defendants are in default on the Note and Mortgage for failure to make payments of principal and interest as required by the Promissory Note when due.

15. As a result of this default, Plaintiff accelerated the balance due under the Note and Mortgage and hereby elects to declare the entire amount of the indebtedness of the Promissory Note and Real Estate Mortgage immediately due and payable.

16. Plaintiff sent to Borrower a Notice of Intention to Foreclose dated July 21, 2014, by regular and certified mail to their last known address and the address of the subject property. A true and correct copy of the aforesaid Notice is attached hereto, marked Exhibit "C" and made a part hereof.

17. That there is now fully due and owing the Plaintiff on the Promissory Note and Real Estate Mortgage the following sums:

Principal and advances	\$146,131.89
Interest through July 29, 2015	\$ 17,043.32
Total Administrative Charges Due	\$ 49,042.55
Attorney Fees	\$ 1,500.00
TOTAL	\$213,717.76

together with interest at 5.375% per annum to the date of judgment, plus interest from the date of judgment at the legal rate, reasonable attorneys' fees and collection costs.

18. That Plaintiff is entitled to collect its reasonable attorneys' fees, which will amount to \$1,500.00 and increase depending on the extent of litigation required.

19. No other action has been brought at law or in equity, to enforce the provisions of the aforesaid Promissory Note and Real Estate Mortgage, and all conditions precedent to the bringing of the action have been performed or have occurred. The Plaintiff has complied with the requirements of 7 C.F.R. 3550.207.

WHEREFORE, Plaintiff respectfully prays for a judgment in mortgage foreclosure against the Defendants, Diane Carr Walker aka Diane C. Hunter, known heir of Craig H. Walker, Deceased; Jonathan Walker, known heir of Craig H. Walker, Deceased; Niklas Leopardi, known heir of Craig H. Walker, Deceased; and all unknown heirs, executors and administrators of Craig H. Walker, Deceased, jointly and severally, in the amount of the accelerated balances set forth above, together with reasonable attorneys' fees and costs of this suit, and for a judicial sale of the Property.

Dated at Pittsburgh, Pennsylvania, this 3rd day of October, 2016.

Respectfully submitted,

UNITED STATES OF AMERICA
DAVID J. HICKTON
UNITED STATES ATTORNEY
WESTERN DISTRICT OF PENNSYLVANIA

By: /s/ Robert S. Bernstein
Bernstein-Burkley, P.C.
Robert S. Bernstein, Esquire
Private Counsel to the
United States of America
PA I.D. 34308
Suite 2200 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 456-8100
CDCS No. 2016A17225